IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
WRIT PETITION NO.131 OF 2006

1. Bharti Tele-Ventures Limited, a company incorporated under the Companies Act, 1956 and having its registered office at Qutub Ambience, B-5/12, Meheroli Road, New Delhi - 110 030 and having its office at Peninsula Chambers, 1st Floor, Ganpatrao Kadam Marg, Lower Parel, Mumbai-400 012.

2. Mr. Sunil Bharti Mittal, of New Delhi, Indian Inhabitant, having his address at H-5/12, Qutab Ambience, Mehrauli Road, New Delhi - 110 030. .... Petitioners

- Versus -

1. State of Maharashtra, through the Secretary, Urban Development Department, Mantralaya, Mumbai-400 020.

2. Kalyan Dombivli Municipal Corporation, having its head office at Mahanagar Palika Karyalay, Shivaji Chowk, Kalyan (W). .... Respondents

WITH

WRIT PETITION NO.4417 OF 2006

Tata Teleservices (Maharashtra) Limited, a company incorporated under the Companies Act, 1956 having its registered office at Ispat House, B.G. Kher Marg, Worli, Mumbai-400 018 and an office at Ladha Mall, Opp. Amaravati Municipal Corporation,

Rajkamal Chowk, Amaravati,
through Shri Vinod Rai,
Senior Executive - Legal. .... Petitioner

- Versus -

1. State of Maharashtra,
through the Secretary,
Urban Development Depart-
ment, Mantralaya,
Mumbai-400 020.

2. Amravati Municipal Corporation
having its head office at
Amravati. .... Respondents

WRIT PETITION NO.5079 OF 2006

1. Bharti Airtel Limited, formerly
Bharti Tele-Ventures Limited,
a company incorporated under
the Companies Act, 1956 and
having its registered office
at Qutub Ambience, B-5/12,
Meheroli Road, New Delhi -
110 030 and having its
office at VEGA Centre,
"A" Building, Swargate,
Shankar Seth Road,
Pune-37 through its authorised
signatory Mr. Prasad Ganorkar.

2. Mr. Sunil Bharti Mittal,
of New Delhi, Indian Inhabi-
tant, having his address at
H-5/12, Qutab Ambience,
Mehrauli Road, New Delhi
- 110 030. .... Petitioners

- Versus -

1. State of Maharashtra,
through the Secretary,
Urban Development Depart-
ment, Mantralaya,
Mumbai-400 020.

2. Akola Municipal Corporation
having its office at Akola
through its Municipal
Commissioner. .... Respondents

WRIT PETITION NO.5080 OF 2006

Tata Teleservices (Maharashtra) Limited, a company incorporated under the Companies Act, 1956 having its registered office at Ispat House, B.G. Kher Marg, Worli, Mumbai-400 018 and an office at P.H. Market, Tilak Road, Akola through Shri Vinod Rai, Senior Executive - Legal. .... Petitioner

- Versus -

1. State of Maharashtra, through the Secretary, Urban Development Department, Mantralaya, Mumbai-400 020.

2. Akola Municipal Corporation, Akola, through its Municipal Commissioner. .... Respondents

WRIT PETITION NO.5082 OF 2006

1. Bharti Tele-Ventures Limited, a company incorporated under the Companies Act, 1956 and having its registered office at Qutub Ambience, B-5/12, Meheroli Road, New Delhi - 110 030 and having its office at VEGA Centre, "A" Building, Swargate, Shankar Seth Road, Pune-37 through its authorised signatory Mr. Prasad Ganorkar.

2. Mr. Sunil Bharti Mittal, of New Delhi, Indian Inhabitant, having his address at H-5/12, Qutab Ambience, Mehrauli Road, New Delhi - 110 030. .... Petitioners

- Versus -

1. State of Maharashtra,

through the Secretary,
Urban Development Depart-
ment, Mantralaya,
Mumbai-400 020.

2. Amravati Municipal Corporation
having its head office at
Amravati through its Municipal
Commissioner. .... Respondents

WRIT PETITION NO.5694 OF 2006

Reliance Infocomm Limited,
a company incorporated under
the provisions of Companies
Act, 1956 having its
registered office at Reliance
House, Near Mardia Plaza,
Off: C.G. Road, Ahmedabad,
Gujarat-380006 and a office
at 4th floor, Godrej
Millenium, 9, Koregaon
Park, Pune-411 001. .... Petitioners

- Versus -

1. State of Maharashtra,
through the Secretary,
Urban Development Depart-
ment, Mantralaya,
Mumbai-400 020.

2. Solapur Municipal Corporation
having its head office at
Indra Bhavan, P. Appasaheb
Warad Path Railway Lines,
Solapur. .... Respondents

WRIT PETITION NO.8296 OF 2005

BPL Mobile Cellular Limited,
a company incorporated under
the Companies Act, 1956, and
having its registered office
at BPL Centre, 1045/1056,
Avinashi Road, Coimbatore
641 018 and interalia, a
circle office at BPL Centre,
42/A, Hira Baug, Shukrawar
Peth, Pune 411 002. .... Petitioners

- Versus -

1. State of Maharashtra,
   through the Secretary,
   Urban Development Depart-
   ment, Mantralaya,
   Mumbai-400 020.

2. Pune Municipal Corporation
   having its head office at
   Shivaji Nagar, Pune -
   410 005. .... Respondents

WRIT PETITION NO.8713 OF 2005

1. Idea Cellular Limited,
   a company incorporated under
   the Companies Act, 1956 and
   has its registered office at
   Suman Baug, Plot No.18,
   Sector 11, Gandhinagar -
   382 011, Gujarat.

2. Noshir Driver of Mumbai,
   Indian Inhabitant, having'
   his address at 602, B,
   Captain House, 1st Floor,
   Ambedkar Road, Matunga,
   Mumbai-400 019. .... Petitioners

- Versus -

1. State of Maharashtra,
   through the Secretary,
   Urban Development Depart-
   ment, Mantralaya,
   Mumbai-400 020.

2. Pune Municipal Corporation
   having its head office at
   Shivaji Nagar, Pune -
   410 005. .... Respondents

WRIT PETITION NO.8794 OF 2005

Tata Teleservices (Maharashtra)
Limited, a company incorporated
under the Companies Act, 1956
having its registered office

at Ispat House, B.G. Kher Marg,
Worli, Mumbai-400 018 and an
office at Al Aqmar Building,
5, Ganeshkhind Road,
Shivaji Nagar, Pune-411 005. .... Petitioner

- Versus -

1. State of Maharashtra,
   through the Secretary,
   Urban Development Depart-
   ment, Mantralaya,
   Mumbai-400 020.

2. Pune Municipal Corporation
   having its head office at
   Shivaji Nagar, Pune - 5. .... Respondents

WRIT PETITION NO.8819 OF 2005

Bharti Tele-Ventures Limited,
a Company incorporated under
the Companies Act, 1956 and
having its registered office
at Qutub Ambience, B-5/12,
Meheroli Road, New Delhi -
110 030 and having its
office at Shop No.201/202/203,
Tapadiya City Centre, Nirala
Bazar, Samarthnagar,
Aurangabad-431 001, through
its authorised signatory
Abhay s/o Digambar Joglekar
Age: 47 years, Occ: Service,
r/o Kothrud, Pune, tq. And
Dist. Pune. .... Petitioner

- Versus -

1. State of Maharashtra,
   through the Secretary,
   Urban Development Depart-
   ment, Mantralaya,
   Mumbai-400 020.

2. Aurangabad Municipal
   Corporation, Aurangabad,
   Tq. And Dist. Aurangabad,
   through its Commissioner. .... Respondents

WRIT PETITION NO.9326 OF 2005

M/s. Gateway Systems (India) Ltd., a limited company incorporated under the provisions of the Companies Act, 1956 having its registered office at Reliance House, Near Mardia Plaza, Off C.G. Road, Ahmedabad 380 006 and having an office at Kapil Towers, A Wing, 6th Floor, Sangam Bridge, Dr. Ambedkar Road, Pune 411 001. .... Petitioners

- Versus -

1. State of Maharashtra, through the Secretary, Urban Development Department, Mantralaya, Mumbai-400 020.

2. Pune Municipal Corporation having its head office at Shivaji Nagar, Pune - 5. .... Respondents

WRIT PETITION NO.9327 OF 2005

Reliance Infocomm Limited, a company incorporated under the provisions of Companies Act, 1956 having its registered office at Reliance House, Near Mardia Plaza, Off: C.G. Road, Ahmedabad, Gujarat-380006 and a office at 4th floor, Godrej Millenium, 9, Koregaon Park, Pune-411 001. .... Petitioners

- Versus -

1. State of Maharashtra, through the Secretary, Urban Development Department, Mantralaya, Mumbai-400 020.

2. Pune Municipal Corporation having its head office at Shivaji Nagar, Pune - 5. .... Respondents

WRIT PETITION NO.6076 OF 2006

1. Tata Teleservices (Maharashtra) Limited, a company incorporated under the Companies Act, 1956 having its registered office at Ispat House, B.G. Kher Marg, Worli, Mumbai-400 018 and an office at 222, Vishnu Vaibhav Palm Road, Civil Lines, Nagpur - 440 001, through C.A. Shri Pankaj S. Phadnis.

2. Haridev Khosla of Mumbai, Indian Inhabitant, having his address at Ispat House, B.G. Kher Marg, Worli, Mumbai-400 018. .... Petitioners

- Versus -

1. State of Maharashtra, through the Secretary, Urban Development Department, Mantralaya, Mumbai-400 020.

2. Nagpur Municipal Corporation, having its head office at Nagpur, through its Municipal Commissioner. .... Respondents

AND

WRIT PETITION NO.6086 OF 2006

1. Tata Teleservices (Maharashtra) Limited, a company incorporated under the Companies Act, 1956 having its registered office at Ispat House, B.G. Kher Marg, Worli, Mumbai-400 018.

2. Haridev Khosla of Mumbai, Indian Inhabitant, having his address at Ispat House, B.G. Kher Marg, Worli, Mumbai-400 018. .... Petitioners

- Versus -

1. State of Maharashtra,
   through the Secretary,
   Urban Development Depart-
   ment, Mantralaya,
   Mumbai-400 020.

2. Kalyan Dombivli Municipal
   Corporation, having its
   head office at Mahanagar
   Palika Karyalay, Shivaji
   Chowk, Kalyan (W). .... Respondents

Sarvasri Aspi Chinoy and F.E. Devitre, Senior Advocates with Farhan Dubhash, Nusarat Hasan, Ms Neha Pathak and Prakash Dande, Advocates i/b M/s. D.H. Law Associates for the Petitioners in **WP-Nos.131, 5079 & 5080 of 2006 and WP-No.8819 of 2005.**

Sarvasri Iqbal Chagla, Senior Advocate, with Riyaz Chagla, Siddharth Srivastava, Prasad Dande and Nusarat Hasan, Advocates i/b M/s. D.H. Law Associates for the Petitioners in **WP-Nos.4417, 5082, 6076 & 6086 of 2006 and WP-No.8794 of 2005.**

Sarvasri J.J. Bhatt and F.E. Devitre, Senior Advocates with Ms Anjali Chandurkar and Farhan Dubhash, Advocates i/b M/s. Federal and Rashmikant for the Petitioners in **WP-No.5694 of 2006 and WP-Nos.9326 and 9327 of 2005.**

Sarvasri Rafiq Dada, Senior Advocate with S.K. Nair, Advocate i/b M/s. S.K. Nair & Co. for the Petitioners in **WP-No.8296 of 2006.**

Sarvasri E.P. Bharucha, Senior Advocate with Cyrus Bharucha and Suresh Shroff, Advocates i/b M/s. Amarchand & Mangaldas & S.A. Shroff & Co. for the Petitioners in **WP-No.8713 of 2005.**

Shri Pradip Patil, Asst. Government Pleader, for the Respondent No.1 in all the Petitions.

Shri A.S. Rao, Advocate, for the Respondent

No.2 in **WP-Nos.131, 5080 and 6086 of 2006.**

Sarvasri J.B. Kasat with Vinay Dahat, Advocates, for the Respondent No.2 in **WP-Nos.4417 and 5082 of 2006.**

Sarvasri D.R. Zaiwalla, Senior Advocate i/b V.G. Mujumdar, Advocate for the Respondent No.2 in **WP-Nos.8296, 8713, 8794, 9326 and 9327 of 2005.**

Sarvasri Gajanan Lasure with S.N. Pagare, Advocates for the Respondent No.2 in **WP-No.8819 of 2005.**

Sarvasri M.V. Samarth, Senior Advocate for the Respondent No.2-NMC in **WP-No.6076 of 2006.**

None present for the Respondent No.2 in WP Nos.5079 and 5694 of 2006.

CORAM: R.M.S. KHANDEPARKAR & V.M. KANADE, JJ.

DATED: MARCH 08, 2007

JUDGMENT (Per R.M.S.Khandeparkar, J.):

1. Heard. Rule. The learned Advocates appearing on behalf of the respective respondents in the respective petitions waive service. By consent, rule made returnable forthwith.

2. The facts in all these cases and the points which arise for consideration in all these petitions are similar to those which arise in Writ Petition No.7824 of 2005 which has been disposed of by us by a detail judgment delivered today. The present petitions also are liable to be disposed of for the reasons stated in

the judgment in the said Writ Petition. Accordingly, these petitions are allowed and the directions issued under Clauses 2 and 3 of the Notification dated 4-7-2005 are hereby quashed and set aside and for the same reason, the demand notices issued on the basis of the said directions to the petitioners are also quashed and set aside and it is further directed that the respondents shall not be entitled to take any action based on the quashed notices. It is, however, made clear that this shall not preclude the respondents from proceeding to take appropriate action in accordance with the provisions of law in force in relation to constructions and developments under the MRTP Act and the rules and regulations made thereunder as well as under the various Corporation Acts applicable to the respondents. All the petitions, therefore, succeed and the rule issued in all these petitions is made absolute in above terms with no order as to costs.

(V.M.Kanade, J.) (R.M.S.Khandeparkar, J.)

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